



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

MARLOW LEROY BROWN,	§	
	§	
Petitioner,	§	
	§	
vs.	§	CIVIL ACTION NO. 4:05-1455-HFF-TER
	§	
STATE OF SOUTH CAROLINA, <i>et al.</i> ,	§	
	§	
Respondents.	§	

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ORDER ADOPTING THE REPORT AND RECOMMENDATION OF THE  
MAGISTRATE JUDGE

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This is a *habeas corpus* petition filed pursuant to 28 U.S.C. § 2254. Petitioner is proceeding *pro se*. The matter is before the Court for review of the report and recommendation (Report) of the United States Magistrate Judge in which he recommends that the Court grant Respondents' motion for summary judgment. The Report is made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Matthews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the report to which specific objection is made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or may recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed his Report on February 2, 2006, and Petitioner filed objections on February 21, 2006. Petitioner's objections, however, fail to address the jurisdictional issues discussed in the Magistrate's Report; instead, they appear to reiterate the allegations made in the petition.

Specific objections are necessary to focus the Court's attention on disputed issues. *See Thomas v. Arn*, 474 U.S. 140, 147-48 (1985). Because general objections to a Magistrate Judge's report do not direct the Court's attention to any specific portion of the report, they are tantamount to a failure to object. *Howard v. Secretary of Health & Human Servs.*, 932 F.2d 505, 509 (6th Cir. 1991); *see also Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982) (failure to file specific objections to particular conclusions in magistrate judge's report, after warning of consequences of failure to object, waives further review). In this petition, therefore, the Court is justified in adopting the Magistrate's report without further review of Petitioner's claims. Nevertheless, the Court has, in an abundance of caution, reviewed, *de novo*, the record in this petition. The Court finds that the Magistrate Judge was correct in concluding that this petition presents only two non-cognizable issues of state law (specifically, the subject matter jurisdiction of the state trial court and the validity of the state sentencing statute under the state constitution).

Accordingly, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of this Court that Respondents' motion for summary judgment should be, and hereby is, **GRANTED.**

**IT IS SO ORDERED.**

Signed this 21st day of February, 2006, in Spartanburg, South Carolina.

s/ Henry F. Floyd  
HENRY F. FLOYD  
UNITED STATES DISTRICT JUDGE

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**NOTICE OF RIGHT TO APPEAL**

Petitioner is hereby notified that he has the right to appeal this Order within **thirty (30)** days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.